

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of inventor(s):

**SANDS, Lenny**

Serial Number: Filed herewith                      Examiner: Not yet assigned  
Filed: Filed herewith                              Art Unit: Not yet assigned  
For: **INDIVIDUALIZED BLENDER**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37 C.F.R. § 1.102,  
ACCELERATED EXAMINATION**

Dear Sir or Madam:

Applicant hereby petitions to make this new application, which has not received any examination by the Examiner, special. Applicant has conducted a pre-examination search and seeks to expedite examination of the present application.

All the claims in this case are directed to a single invention. If the Office determines that all the claims presented are not obviously directed to a single invention, then Applicant will make an election without traverse as a prerequisite to the grant of special status. If claims 7-19 are found not to be examinable in this case with claims 1-6, then Applicant hereby elects claims 1-6 for the prosecution of this case.

A search has been made by a professional searcher in the following classes and subclasses:

Design Class 3, Subclass 378; Class 366, Subclasses 199, 206, 314; and Class 241, Subclass 282.2.

There is submitted herewith a copy of the references deemed most closely related to the subject matter encompassed by the claims. These include:

<u>PATENT NUMBER</u>	<u>INVENTOR</u>	<u>DATE OF ISSUE</u>
4,487,509	Boyce	December 11, 1984
3,704,864	Lee	December 5, 1972
5,882,113	Binder	March 16, 1999
4,708,487	Marshall	November 24, 1987
4,111,372	Hicks, et al.	September 5, 1978
3,970,258	Mantelet	July 20, 1976
3,064,949	Dewenter	November 20, 1962
4,714,203	Williams	December 22, 1987
2,530,455	Forss	November 21, 1950
4,723,719	Williams	February 9, 1988
5,911,504	Schindlegger, Jr.	June 15, 1999
Des. 281,945	Boyce	December 31, 1985

## **DETAILED DISCUSSION OF THE REFERENCES**

Set forth below are detailed descriptions of the patents deemed most closely related to the claims of the present invention and may have the most applicability to patentability thereof. Upon review of the following, Applicant believes that the Examiner will agree that these references do not defeat patentability of Applicant's claims and that Applicant's claims should be allowed.

### **Boyce, U.S. Patent No. 4,487,509**

U.S. Patent No. 4,487,509 discloses a portable blender that includes a container with a removable blade portion and an attached switch protrusion, and a base with a drive assembly and a plunger. The device is activated when the container is placed on top of the base so that the switch protrusion engages the plunger within the base. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

### **Lee, U.S. Patent No. 3,704,864**

U.S. Patent No. 3,704,864 discloses a mixing apparatus that includes a container with a removable mixer unit, and a housing with a driving motor. The device is actuated when the container is placed on top of the base, allowing the weight of the container to activate a pressure switch within the housing. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Binder, U.S. Patent No. 5,882,113**

U.S. Patent No. 5,882,113 discloses a device for homogenizing and/or heating a liquid or mashy substance that includes a container, and a base with an agitator and a heating device. The heating device can be activated by downward pressure of the container on a pressure switch. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Marshall, U.S. Patent No. 4,708,487**

U.S. Patent No. 4,708,487 discloses a blender for installation under kitchen cabinets that includes a threaded container, and a threaded base with blending blades secured to a horizontal surface above the container. The device can be activated when the threaded container and threaded base are twisted into engagement. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Hicks, et al., U.S. Patent No. 4,111,372**

U.S. Patent No. 4,111,372 discloses a food processor having a power base with a bowl-supporting portion alongside a vertically driven shaft operable in a bowl thereon. The device can be actuated by a switch and includes a safety interlock between the bowl lid and a power supply circuit for the processor such that the assembly of the bowl lid closes a switch, which permits the unit to be turned on and removal of the lid opens the switch deenergizing the circuit, even if the main switch has not been shut off. This reference does not disclose at least the following: a base

having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Mantelet, U.S. Patent No. 3,970,258**

U.S. Patent No. 3,970,258 discloses a mincing device having cutting blades that are carried by a sleeve, which fits over a driving element at the top of a vertical motor-driven shaft. The sleeve and the driving element are provided internally and externally respectively with driving ramps which extend helically from bottom to top thereof in the direction of rotation of the driving element and which have active surfaces which engage one with the other during the driving of the sleeve. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Dewenter, U.S. Patent No. 3,064,949**

U.S. Patent No. 3,064,949 discloses a blender having a material receptacle with a mixing and/or comminuting bladed member fixed to a shaft extending through and adapted to be motor driven from a position below the bottom of the receptacle. The device can be activated by a switch that is provided on the base of the blender. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Williams, U.S. Patent No. 4,714,203**

U.S. Patent No. 4,714,203 discloses a food processor, which can provide a continuous processed food output without intermediate removal and emptying of the bowl. The food processor is included with an inclined ramp that is mounted in the bowl beneath the food processing tool and extends in a downward slope toward the mouth of the chute, whereby food processed by the rotary food processing tool is deposited on and slides down the ramp into the chute for discharge from the bowl into an external container of an appropriate large size. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Forss, U.S. Patent No. 2,530,455**

U.S. Patent No. 2,530,455 discloses a blender having a combined closure and agitator which when secured in place on the bottom of a mixer vessel will not only assure positive sealing of the opening in the bottom of the vessel, but will also assure alignment between the agitator shaft and the driver on the motor shaft. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Williams, U.S. Patent No. 4,723,719**

U.S. Patent No. 4,723,719 discloses an invertible/reversible tool for use in rotary food processing appliances. More particularly, this reference discloses a processing tool having a reversible blade extending outwardly there from, which reversible blades perform one type of food

processing operation in a first position and a second type of food processing operation in an upside down position. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Schindlegger, Jr., U.S. Patent No. 5,911,504**

U.S. Patent No. 5,911,504 discloses a draining device for a container with an opening at the upper end which has a housing with a concentric compression about the stirrer shaft which seals the downward pointing container opening when the container is turned upside down. The stirring device can be actuated by a push button switch. This reference does not disclose at least the following: a base having a locking groove, a generally bullet-shaped container, or a blender container having a sieving means.

**Boyce, U.S. Design Patent No. Des. 281,945**

U.S. Design Patent No. Des. 281,945 discloses the ornamental design for a portable blender. This reference does not disclose at least the following: a generally bullet-shaped container, a shaped container having external ridges, or a blender container having a sieving means.

Also attached is an Information Disclosure Statement setting forth the entire results of the performed search.

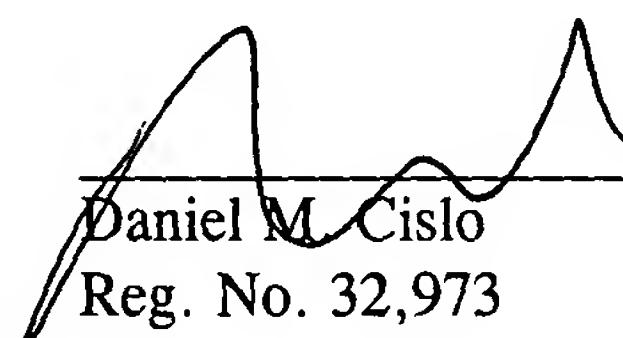
Applicant is submitting the appropriate fee under 37 C.F.R. 1.17(h) in the amount of \$130.00 either as a separate check or included with the filing fee payment for the accompanying application.

In complying with the requirements of the present petition and in particularly setting forth the patentability of the claims, Applicant believes the application to be in condition for allowance. Applicant respectfully requests the Examiner to pass the application on to allowance at an early date. It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's Attorney's Deposit Account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: August 26, 2003



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Enclosures

Patent References

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